

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

RONALD L. DAVIS,

Plaintiff,

v.

3:11-cv-248

NURSE DALE HADDEN, et al.,

Defendants.

MEMORANDUM

This is a *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983. The original defendants were Dale Hadden, James Morris, Dan Walker, and Anna Cannon, each of whom were served with process after plaintiff returned the service packets for the defendants. Plaintiff was subsequently allowed to amend his complaint to add as defendants Mary Evans and Nurse Melinda (last name unknown). Plaintiff was ordered to return the service packets for defendants Mary Evans and Nurse Melinda within 20 days of the date of receipt of the court's Memorandum and Order and he failed to do so. In the meantime, plaintiff entered into a stipulation of dismissal with prejudice as to the original defendants and defendants Dale Hadden, James Morris, Dan Walker, and Anna Cannon were dismissed as defendants. There are presently pending several motions which were filed by the plaintiff prior to the stipulation of dismissal.

Plaintiff having failed to timely return the service packets for defendants Mary Evans and Nurse Melinda, they will be **DISMISSED** as defendants. There being no remaining defendants in this action, the matter will be **DISMISSED** in its entirety. All pending motions will be **DENIED** as **MOOT**. The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, this court will **DENY** plaintiff leave to proceed *in forma pauperis* on appeal. See Fed. R. App. P. 24.

AN APPROPRIATE ORDER WILL ENTER.

s/ Leon Jordan
United States District Judge